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TO: Office of Initial Patent Examination

FAX: 571.273.8300

FROM: Thomas W. Brown/kjc

Date: August 9, 2006

Pages (including cover): 15

Client Code: 10/602,077  
CNSR-09275

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## MESSAGE:

Dear:

Please find the following attached materials filed with the US Patent Office on October 7, 2005- returned stamped postcard, re-filed power of attorney by assignee with revocation of prior powers, and documents indicating the reel/frame number for this file. Please update your files to reflect Medlen & Carroll, LLP as the law firm handling this case, not Jones Day.

As always, should you have any questions or comments concerning this matter, please do not hesitate to contact our office.

Very truly yours,

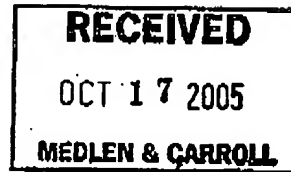
*Thomas W. Brown /kjc*

Thomas W. Brown

*Patent, Trademark & Copyright Attorneys*

300 Congress Street Suite 404 Quincy Massachusetts 02169 Tel 617.984.0616 Fax 617.984.0617

Facsimile Cover Sheet



Serial No.: 10/602,077

MC File No.: CNSR-09275

TC11  
tel

In The Matter of the Application Of: Stephen S. et al.

Date Mailed: October 7, 2005

Due Date: \_\_\_\_\_

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Design Patent Application _____ Pages                   | <input type="checkbox"/> Trademark Application _____ Pages        | <input type="checkbox"/> PCT Application _____ Pages                                      |
| <input type="checkbox"/> Plant Patent Application _____ Pages                    | <input type="checkbox"/> ITU Trademark Application _____ Pages    | <input type="checkbox"/> Patent Appin.: _____   |
| <input type="checkbox"/> Prov. Patent Application _____ Pages                    | <input type="checkbox"/> Statement of Use _____                   | <input type="checkbox"/> Chapter II Demand _____  |
| <input type="checkbox"/> Utility Patent Application _____ Pages                  | <input type="checkbox"/> Trademark Renewal Application _____      | <input type="checkbox"/> Authorization of Agent _____                                     |
| <input type="checkbox"/> DIV <input type="checkbox"/> CONT                       | <input type="checkbox"/> Section 8 & 15 Affidavits _____          | <input type="checkbox"/> Transmittal Letter <input checked="" type="checkbox"/> Duplicate |
| <input type="checkbox"/> CIP <input type="checkbox"/> CPA                        | <input type="checkbox"/> Specimens _____                          | <input type="checkbox"/> Certificate of Mailing _____                                     |
| <input type="checkbox"/> U.S. Natl. Entry <input type="checkbox"/> RCE           | <input type="checkbox"/> Declaration/Oath/Affidavits _____        | <input type="checkbox"/> Cert. of Express Mailing Label No.: _____                        |
| <input type="checkbox"/> Information Disclosure Statement                        | <input type="checkbox"/> Drawings: _____ Sheet(s)                 |   |
| <input type="checkbox"/> Form PTO-1449 w/ _____ Refs.                            | <input type="checkbox"/> Formal <input type="checkbox"/> Informal | <input type="checkbox"/> Check(s): \$ _____   |
| <input type="checkbox"/> Form PTO-1533 (Not. of Missing Parts)                   | <input checked="" type="checkbox"/> Power of Attorney by _____    | <input type="checkbox"/> Deposit Account Auth. No.: 08-1290                               |
| <input type="checkbox"/> Certificate Re: Sequence Listing                        | <input type="checkbox"/> Form PTO-1594/1595 _____                 |   |
| <input type="checkbox"/> Sequence Listing (Paper Copy and CFF)                   | <input type="checkbox"/> Assignment _____                         |   |
| <input type="checkbox"/> Req. Under 37 CFR 1.821(e) to Use CFF from Prior Appln. | <input type="checkbox"/> Small Entity Declaration _____           |   |
| <input type="checkbox"/> Form PTO-85B (Issue Fee Transmittal)                    | <input type="checkbox"/> Amendment/Response _____                 |   |
| <input type="checkbox"/> Advance Order: _____ Copies                             | <input type="checkbox"/> Extension of Time Req.: _____ Month(s)   |   |
| <input type="checkbox"/> Form PTO-1050 (Cert. of Correction)                     | <input type="checkbox"/> Notice of Appeal _____                   |   |
| <input type="checkbox"/> Maintenance Fee Transmittal Form                        | <input type="checkbox"/> Appeal Brief _____                       |   |
|  | <input type="checkbox"/> Petition _____                           |   |

Serial No.: 10/602,077

MC File No.: CUSR-09275

TCM

In The Matter of the Application Of: Stephen Suffin et al.

tel

Date Mailed: October 7, 2005

Due Date: \_\_\_\_\_

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

- |  |  |  |
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| <input type="checkbox"/> Design Patent Application _____ Pages                   | <input type="checkbox"/> Trademark Application   | <input type="checkbox"/> PCT Application _____ Pages                   |
| <input type="checkbox"/> Plant Patent Application _____ Pages                    | <input type="checkbox"/> ITU Trademark Application   | <input type="checkbox"/> Parent Appl.: _____                           |
| <input type="checkbox"/> Prov. Patent Application _____ Pages                    | <input type="checkbox"/> Statement of Use  | <input type="checkbox"/> Chapter II Demand                             |
| <input type="checkbox"/> Utility Patent Application _____ Pages                  | <input type="checkbox"/> Trademark Renewal Application                                     | <input type="checkbox"/> Authorization of Agent                        |
| <input type="checkbox"/> DIV <input type="checkbox"/> CONT                       | <input type="checkbox"/> Section 8 & 15 Affidavits   | <input checked="" type="checkbox"/> Transmittal Letter & Duplicates    |
| <input type="checkbox"/> CIP <input type="checkbox"/> CPA                        | <input type="checkbox"/> Specimens _____   | <input checked="" type="checkbox"/> Certificate of Mailing             |
| <input type="checkbox"/> U.S. Nat'l. Entry <input type="checkbox"/> RCE          | <input type="checkbox"/> Declaration/Oath/Affidavits                                       | <input type="checkbox"/> Cert. of Express Mailing Label No.:           |
| <input type="checkbox"/> Information Disclosure Statement                        | <input type="checkbox"/> Drawings: _____ Sheet(s)  | <input type="checkbox"/> Check(s): \$ _____                            |
| <input type="checkbox"/> Form PTO-1449 w/ _____ Refs.                            | <input type="checkbox"/> Formal <input type="checkbox"/> Informal                          | <input type="checkbox"/> Deposit Account Auth. No.: 06-1290            |
| <input type="checkbox"/> Form PTO-1533 (Not of Missing Parts)                    | <input checked="" type="checkbox"/> Power of Attorney by <u>Signature</u> <u>Applicant</u> |  |
| <input type="checkbox"/> Certificate Re: Sequence Listing                        | <input type="checkbox"/> Form PTO-1594/1595 <u>Applicant</u>                               |  |
| <input type="checkbox"/> Sequence Listing (Paper Copy and CD)                    | <input type="checkbox"/> Assignment  |  |
| <input type="checkbox"/> Req. Under 37 CFR 1.821(e) to Use CRF from Prior Appln. | <input type="checkbox"/> Small Entity Declaration  |  |
| <input type="checkbox"/> Form PTO-853 (Issue Fee Transmittal)                    | <input type="checkbox"/> Amendment/Response <u>power</u>                                   | <input checked="" type="checkbox"/> Evidence of a check <u>of file</u> |
| <input type="checkbox"/> Advance Order: _____ Copies                             | <input type="checkbox"/> Extension of Time Req.: _____ Month(s)                            |  |
| <input type="checkbox"/> Form PTO-1050 (Cert. of Correction)                     | <input type="checkbox"/> Notice of Appeal  |  |
| <input type="checkbox"/> Maintenance Fee Transmittal Form                        | <input type="checkbox"/> Appeal Brief  |  |
|  | <input type="checkbox"/> Petition _____  |  |

PATENT

Attorney Docket No. CNSR-09275

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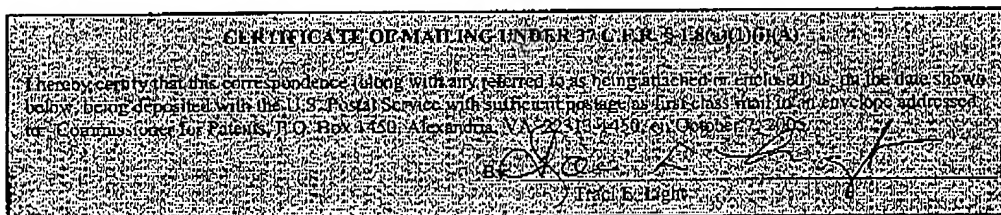
## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Stephen Suffin *et al.*  
Serial No.: 10/602,077  
Filed: 06/23/03  
Entitled: Method For Classifying And Treating Physiologic Brain Imbalances Using Quantitative EEG

Group No.:  
Examiner:

POWER OF ATTORNEY BY ASSIGNEE  
(REVOCATION OF PRIOR POWERS)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



Sir or Madam:

Enclosed please find a Power of Attorney by Assignee (Revocation of Prior Powers) and the documentary evidence of a chain of title from the original owner to the assignee, as filed with the above captioned patent application.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 08-1290. An originally executed duplicate of this transmittal is enclosed for this purpose.

Dated: October 7, 2005

Thomas C. Howerton  
Registration No. 48, 650

MEDLEN & CARROLL, LLP  
101 Howard Street, Suite 305  
San Francisco, California 94105  
617/984-0616

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PATENT  
Attorney Docket No. CNSR-09275

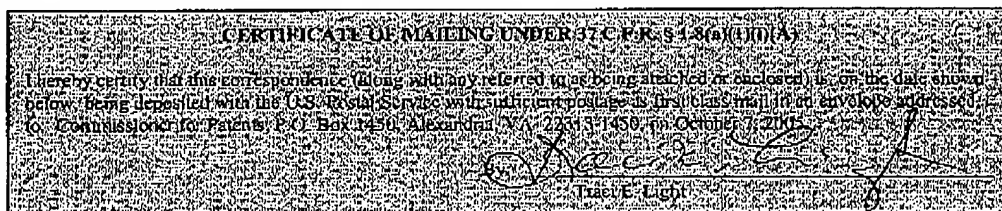
## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Stephen Suffin *et al.*  
Serial No.: 10/602,077  
Filed: 06/23/03  
Entitled: Method For Classifying And Treating Physiologic Brain Imbalances Using Quantitative EEG

Group No.:  
Examiner:

POWER OF ATTORNEY BY ASSIGNEE  
(REVOCATION OF PRIOR POWERS)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



Sir or Madam:

Enclosed please find a Power of Attorney by Assignee (Revocation of Prior Powers) and the documentary evidence of a chain of title from the original owner to the assignee, as filed with the above captioned patent application.

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Registration No. 48, 650

MEDLEN & CARROLL, LLP  
101 Howard Street, Suite 305  
San Francisco, California 94105  
617/984-0616

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PATENT  
Attorney Docket No.: CNSR-09275

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Stephen Suffin *et al.*

Group No.:

Serial No.: 10/602,077

Examiner:

Filed: 06/23/03

Entitled: Method For Classifying And Treating Physiologic Brain Imbalances Using Quantitative EEG

POWER OF ATTORNEY BY ASSIGNEE  
(REVOCATION OF PRIOR POWERS)Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CNS Response, Inc., as Assignee of record of the entire interest of the above-identified patent application, hereby revokes any powers of attorney which may have been filed and appoints the members of the firm of MEDLEN & CARROLL, LLP, a firm composed of:

David A. Casimir	(Reg. No. 42,395)	Tanya A. Aronson	(Reg. No. 47,391)
Maha A. Hamdan	(Reg. No. 43,655)	Jason R. Bond	(Reg. No. 45,439)
Thomas C. Howerton	(Reg. No. 48,650)	J. Mitchell Jones	(Reg. No. 44,174)
Christine A. Lekatis	(Reg. No. 51,934)	Thomas W. Brown	(Reg. No. 50,002)
Peter G. Carroll	(Reg. No. 32,837)	John S. Roberts	(Reg. No. 36,655)

as its attorneys with full power of substitution to prosecute this application and transact all business in the Patent and Trademark Office in connection therewith.

Please direct all future correspondence and telephone calls regarding this application to:

Peter G. Carroll  
MEDLEN & CARROLL, LLP  
101 Howard Street, Suite 350  
San Francisco, California 94105

Telephone: 415/904-6500  
Facsimile: 415/904-6510

I hereby certify that the Assignment document filed with the application or filed subsequent to the filing date of the application, has been reviewed and I hereby certify that, to the best of my knowledge and belief, title is with CNS Response.

Dated: July 1, 2005By: LEONARD J. BRANDTName: LEONARD J. BRANDTTitle: PRESIDENT & CEO

CNS Response Inc.  
33171 Camino Capistrano, Suite A  
San Juan Capistrano, CA 92675-4837

Express Mail No. EJ335855683US First Class Mail ( )  
 Date Mailed JUNE 23, 2003  
 Serial No. To be Assigned Filed COMPLAINT  
 Inventor Suffin et al  
 For Method for Classifying and Treating Physiology  
Brain Imbalances Using Quantitative EEG

- ( ) Affidavit/Declaration ( ) Fee Address Indication Form  
 (X) Amendment ( ) Response Preliminary (X) Fee Calculation  
 (X) Application 66 pages ( ) Issue Fee Transmittal  
 (X) 6 claims 13 drawing sheets ( ) Notice of Appeal  
 ( ) Assignment ( ) Cover Sheet (FIS, 1-14) ( ) Oral Hearing Request/Confirm  
 ( ) Brief (in triplicate) ( ) Petition to Extend Time \_\_\_\_\_ month(s)  
 (X) Declaration & Power of Attorney ( ) Petition under 37 C.F.R. \_\_\_\_\_  
 (X) Executed ( ) Unexecuted ( ) Copy ( ) Power of Attorney  
 ( ) Declaration of Inventor(s) ( ) by Assignee ( ) Associate ( ) with Revocation  
 ( ) Executed ( ) Unexecuted ( ) Copy ( ) Request for Correction of Filing Receipt  
 ( ) Design Application ( ) Sequence Listing w/Computer Readable and Paper Copy  
 ( ) Disclaimer ( ) Disclaimer Fee ( ) Small Entity Statement  
 ( ) Disclosure Statement ( ) Form PTO-1449 ( ) Status Letter  
 ( ) w/refs. ( ) w/o refs. (X) Transmittal Letter  
 ( ) Drawings, Formal  
 \_\_\_\_\_ Sheets \_\_\_\_\_ Figures

Other: Revocation and Power of Attorney by Assignee

File No. 10701-011

Sender: CAL/RKN



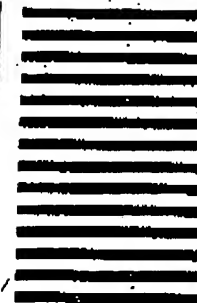
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AUG 09 2006

PTO/SB/05 (03-01)

Approved for use through 10/11/2002. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>  <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i>	Attorney Docket No.	10701-011	Total Pages	94
	First Named Inventor or Applicant Identifier			
	STEPHEN SUFFIN			
	Express Mail Label No.	EV335855683US		

<b>APPLICATION ELEMENTS</b> <i>See MPEP chapters 600 concerning utility patent application contents.</i>	<b>Commissioner for Patents</b> P.O. Box 1450 Mail Stop PATENT APPLICATION Alexandria, VA 22113-1450
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- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Fee Transmittal Form<br><i>(Submit an original, and a duplicate for fee processing)</i><br><br>2. <input checked="" type="checkbox"/> Applicant claims Small Entity status, see 37 C.F.R. § 1.27<br><br>3. <input checked="" type="checkbox"/> Specification <span style="float: right;">[Total Pages 66]</span><br><i>(preferred arrangement set forth below, MPEP 1503.01)</i><br>- Descriptive title of the invention<br>- Cross Reference to Related Applications<br>- Statement Regarding Fed sponsored R&D<br>- Reference to Microfiche Appendix<br>- Background of the Invention<br>- Brief Summary of the Invention<br>- Brief Description of the Drawings (if filed)<br>- Detailed Description of the Invention (including drawings, if filed)<br>- Claim(s)<br>- Abstract of the Disclosure<br><br>4. <input checked="" type="checkbox"/> Drawing(s) <i>(35 USC 113)</i> <span style="float: right;">[Total Sheets 15]</span><br><br>5. <input checked="" type="checkbox"/> Oath or Declaration <span style="float: right;">[Total Sheets 3]</span><br>a. <input type="checkbox"/> Newly executed (original or copy)<br>b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d))<br><i>(for continuation/divisional with Box 18 completed)</i><br>i. <input type="checkbox"/> DELETION OF INVENTOR(S)<br>Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).<br><br>6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76 | 7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)<br><br>8. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence submission<br><i>(if applicable, all necessary)</i><br>a. <input type="checkbox"/> Computer Readable Form (CRF)<br>b. <input type="checkbox"/> Specification Sequence Listing on:<br>i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or<br>ii. <input type="checkbox"/> paper<br>c. <input type="checkbox"/> Statement verifying identity of above copies |
|---|---|

## ACCOMPANYING APPLICATION PARTS

- |   |  |
|---|--|
| 9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))   |  |
| 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <span style="float: right;"><input checked="" type="checkbox"/> Revocation and Power of Attorney</span><br><i>(when there is an assignee)</i> |  |
| 11. <input type="checkbox"/> English Translation Document (if applicable)   |  |
| 12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <span style="float: right;"><input type="checkbox"/> Copies of IDS Citations</span>                                    |  |
| 13. <input checked="" type="checkbox"/> Preliminary Amendment   |  |
| 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503)<br><i>(Should be specifically itemized)</i>  |  |
| 15. <input type="checkbox"/> Certified Copy of Priority Document(s)<br><i>(if foreign priority is claimed)</i>  |  |
| 16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(i). Applicant must attach form PTO/SB/35 or it's equivalent  |  |
| 17. <input type="checkbox"/> Other:   |  |

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) | of prior application No.: 09/501,149 filed February 9, 2000.

Prior application information:


Examiner: Robert L. Nasser

Group Art Unit:

3736

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number		 20583		<input type="checkbox"/> Correspondence address below	
NAME					
ADDRESS					
CITY		STATE		ZIP CODE	
COUNTRY		TELEPHONE		FAX	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.



SCF GMAN, LUNDBERG, WOESSNER &amp; KLING, P.A.

**United States Patent Application**  
COMBINED DECLARATION AND POWER OF ATTORNEYRECEIVED  
CENTRAL FAX CENTER

AUG 09 2006

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: METHOD FOR CLASSIFYING AND TREATING  
PHYSIOLOGIC BRAIN IMBALANCES USING QUANTITATIVE EEG.

The specification of which was filed on February 9, 2000 as application serial no. 09/501,149.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. § 1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

No such claim for priority is being made at this time.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Jurkovich, Patti J.	Reg. No. 44,813	Nelson, Albin J.	Reg. No. 28,650
Bianchi, Timothy E.	Reg. No. 39,610	Kalis, Janal M.	Reg. No. 37,650	Nielsen, Walter W.	Reg. No. 25,539
Billion, Richard E.	Reg. No. 32,836	Kaufmann, John D.	Reg. No. 24,017	Oh, Allen J.	Reg. No. 42,047
Black, David W.	Reg. No. 42,331	Klima-Silberg, Catherine I.	Reg. No. 40,052	Padys, Danny J.	Reg. No. 35,635
Brennan, Leoniede M.	Reg. No. 35,832	Kluth, Daniel J.	Reg. No. 32,146	Parker, J. Kevin	Reg. No. 33,024
Brennan, Thomas F.	Reg. No. 35,075	Lacy, Rodney L.	Reg. No. 41,136	Perdok, Monique M.	Reg. No. 42,989
Brooks, Edward J., III	Reg. No. 40,925	Leffert, Thomas W.	Reg. No. 40,697	Prout, William F.	Reg. No. 33,995
Chu, Dinh C.P.	Reg. No. 41,676	Lemaire, Charles A.	Reg. No. 36,198	Schumm, Sherry W.	Reg. No. 39,422
Clark, Barbara J.	Reg. No. 38,107	Litman, Mark A.	Reg. No. 26,390	Schwegman, Micheal L.	Reg. No. 25,816
Dahl, John M.	Reg. No. 44,639	Lundberg, Steven W.	Reg. No. 30,568	Smith, Michael G.	Reg. No. 45,368
Drake, Eduardo E.	Reg. No. 40,594	Mack, Lisa K.	Reg. No. 42,825	Speier, Gary J.	Reg. No. 45,458
Eliseeva, Maria M.	Reg. No. 43,328	Maeyart, Paul L.	Reg. No. 40,076	Steffey, Charles E.	Reg. No. 25,179
Embertson, Janet E.	Reg. No. 39,665	Maki, Peter C.	Reg. No. 42,832	Terry, Kathleen R.	Reg. No. 31,884
Fordenbacher, Paul J.	Reg. No. 42,546	Malen, Peter L.	Reg. No. 44,894	Tong, Viet V.	Reg. No. 45,416
Forrest, Bradley A.	Reg. No. 30,837	Mates, Robert E.	Reg. No. 35,271	Viksniņs, Ann S.	Reg. No. 37,748
Harris, Robert J.	Reg. No. 37,346	McCrackin, Ann M.	Reg. No. 42,858	Woessner, Warren D.	Reg. No. 30,440
Huebsch, Joseph C.	Reg. No. 42,673	Nama, Kash	Reg. No. 44,255		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402

Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made in information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of sole inventor:

Stephen Suffin

Citizenship:

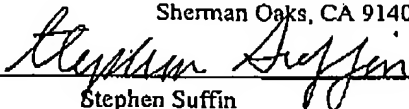
United States of America

Residence: Sherman Oaks, CA

Post Office Address:

13151 Chandler Boulevard  
Sherman Oaks, CA 91401

Signature:

  
Stephen Suffin

Date:

7 JUNE 2000

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature:

Date:

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe an pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

AUG 09 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Stephen Suffin

Application No.: 09/501,149

Group Art Unit: 2768

Filed: February 9, 2000

Examiner: Unknown

For: METHOD FOR CLASSIFYING AND  
TREATING PHYSIOLOGIC BRAIN  
IMBALANCES USING QUANTITATIVE  
EEG

Attorney Docket No.: 10701-006-999

**REVOCATION AND POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71**Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby revokes all previous powers of attorney and appoints: S. Leslie Misrock (Reg. No. 18872), Berj A. Terzian (Reg. No. 20060), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291),

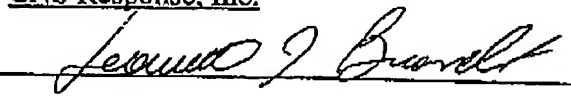
Adriane M. Antler (Reg. No. 32605), Thomas G. Rowan (Reg. No. 34419), James G. Markey (Reg. No. 31636), Thomas D. Kohler (Reg. No. 32797), Scott D. Stimpson (Reg. No. 33607), Gary S. Williams (Reg. No. 31066), William S. Galliani (Reg. No. 33885), Ann L. Gisolfi (Reg. No. 31956), Todd A. Wagner (Reg. No. 35399), Scott B. Familant (Reg. No. 35514), Kelly D. Talcott (Reg. No. 39582), Francis D. Cerrito (Reg. No. 38100), Anthony M. Insogna (Reg. No. 35203), Brian M. Rothery (Reg. No. 35340), Brian D. Siff (Reg. No. 35679), Alan Tenenbaum (Reg. No. 34939), Michael J. Lyons (Reg. No. 37,386), Garland T. Stephens (Reg. No. 37,242) and William J. Sipio (Reg. No. 34,514), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3500 Hillview Avenue, Palo Alto, CA 94304, all of Pennie & Edmonds LLP (PTO Customer No. ), as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 3.71, provided that, if any one of these attorneys ceases being affiliated with the law firm of Pennie & Edmonds LLP as partner, counsel, or employee, then the appointment of that attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

An assignment of the entire interest in the above-identified subject application:

☒ was recorded on June 15, 2000 at reel/frame 010904/0428.

☐ is submitted herewith for recording.

Please direct all correspondence for this application to customer no. 20583.

ASSIGNEE: CNS Response, Inc.  
Signature:   
Typed Name: Leonard Brandt  
Position/Title: President and CEO  
Address: 3750 East Anaheim Street  
Long Beach, CA 90804  
Date: 3/6/01



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/602,077	06/23/2003	Stephen Suffin	10701-011

20583  
JONES DAY  
222 EAST 41ST ST  
NEW YORK, NY 10017

CONFIRMATION NO. 1225



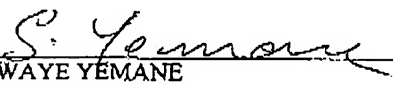
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Date Mailed: 07/27/2005

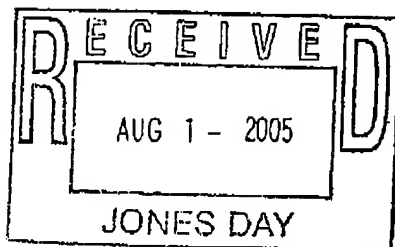
## NOTICE REGARDING POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/08/2005. The Power of Attorney in this application is not accepted for the reason(s) listed below:

- The Power of Attorney is from an assignee and the Certificate required by 37 CFR 3.73(b) has not been received.

  
SHEWAYE YEMANE  
SALLY (703) 305-0677

FORMER ATTORNEY/AGENT COPY



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CNSR

JONES DAY

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222 EAST 41ST STREET • NEW YORK, NEW YORK 10017-6702  
TELEPHONE: 212-326-3939 • FACSIMILE: 212-755-7308

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SEP 19 2006

MEDLEN & CARROLL  
QUINCY OFFICE

Direct Number: (212) 326-3878  
math@jonesday.com

jp006596:jmi

Transfer 10701 Files

September 16, 2005

VIA FIRST CLASS MAIL

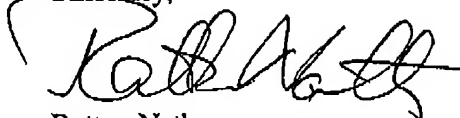
Peter G. Carroll, Esq.  
Medlen and Carroll  
300 Congress Street  
Suite 404  
Quincy, MA 02169

Re: Transfer of Patent Files of CNS Response

Dear Mr. Carroll:

Enclosed is a notice we received from the U.S. Patent and Trademark Office in connection with the above-referenced matter.

Sincerely,



Rattan Nath  
Associate

Enclosure

c: Laura A. Coruzzi, Esq.

NYJL 1592437.1

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